



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

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January 26, 2016

Paul C. Watson, Ph.D., Environmental  
Regulatory Compliance Engineer  
OFS Fitel, LLC  
50 Hall Road  
Sturbridge, MA 01566

**RE: Sturbridge**  
Transmittal Number: X264785  
Application Number: CE-15-002  
Class: *SM-25*  
FMF Number: 363689  
**AIR QUALITY PLAN APPROVAL**

Dear Dr. Watson:

The Massachusetts Department of Environmental Protection (“MassDEP”), Bureau of Air and Waste, has reviewed your Non-major Comprehensive Plan Application (“Application”) listed above. **This Application concerns the proposed amendment of Plan Approval Tr. No. X263826 at your facility located at 50 Hall Road, Sturbridge, Massachusetts (“Facility”).** The Application bears the seal and signature of Peter A. Monk, Massachusetts Registered Professional Engineer Number 31648.

This Application was submitted in accordance with 310 CMR 7.02 Plan Approval and Emission Limitations as contained in 310 CMR 7.00 “Air Pollution Control” regulations adopted by MassDEP pursuant to the authority granted by Massachusetts General Laws, Chapter 111, Section 142 A-N, Chapter 21C, Section 4 and 6, and Chapter 21E, Section 6. MassDEP’s review of your Application has been limited to air pollution control regulation compliance and does not relieve you of the obligation to comply with any other regulatory requirements.

MassDEP has determined that the Application is administratively and technically complete and that the Application is in conformance with the Air Pollution Control regulations and current air pollution control engineering practice, and hereby grants this **Plan Approval** for said Application, as submitted, subject to the conditions listed below.

Please review the entire Plan Approval, as it stipulates the conditions with which the Facility owner/operator (“Permittee”) must comply in order for the Facility to be operated in compliance with this Plan Approval.

## **1. DESCRIPTION OF FACILITY AND APPLICATION**

OFS Fitel, LLC manufactures and markets flexible glass fibers for use as optical waveguides, specializing in multimode optical fibers for data communication applications. The glass fiber manufacturing process uses either modified chemical vapor deposition (MCVD) (EU 1) or plasma chemical vapor deposition (PCVD) (EU 2). In both processes, a hollow ultra-pure glass rod is exposed to heat and oxygen in the presence of a specific mixture of chemicals. Heat is applied, either by a hydrogen/oxygen flame (in MCVD) or by radio frequency (in PCVD). The glass fiber is formed when heat and tension are applied to the glass rod. These processes generate air contaminants; namely, particulate matter equal to or less than 10 microns in diameter and the Hazardous Air Pollutants (HAP) hydrogen fluoride and chlorine gas. An ionizing wet scrubber (IWS) (Ceilcote Model 350/600 three stage) controls these contaminants before release to the atmosphere.

The Facility generates hydrogen chloride emissions in a germanium recycling process (EU 3), which are controlled by a packed bed scrubber (Ceilcote Model HRP-46-48) and are emitted through the IWS scrubber stack.

The Facility generates hydrogen fluoride emissions in a glass etching process (EU 4), which are controlled by a packed bed scrubber (Misonix MHS-3030).

The Facility generates volatile organic compound emissions from a draw coating process and solvent cleaning.

The Facility burns propane, and is authorized to burn natural gas, in four boilers (EUs 6 and 7). The boilers in EU 7 are subject to 40 CFR 60 Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, which is administered by the US Environmental Protection Agency.

### **Project Description**

A 2014 enforcement action (ACOP-CE-14-9017-27AB) required OFS Fitel to submit an application to modify a previously issued plan approval to allow pressure transducers, rather than flow meters, to monitor the IWS solution recirculation rate. The Application also requested reductions in chlorine gas and hydrogen chloride emission rates for EUs 1 and 2 based on a revised understanding of the chemistry that results in the formation of air pollutants. MassDEP amended other plan approval conditions to assure the control equipment is operating within its expected parameters.

The Application included refined air dispersion modeling to determine the ground level impact of hydrogen chloride, chlorine gas and hydrogen fluoride emissions. The modeling demonstrated

the maximum impact of emissions outside the Facility property of those three HAPs is below the applicable annual Ambient Air Limits and 24-hour Threshold Effect Exposure Limits. The requirements for 100% capture of emissions along with 99% control efficiency for gases and 97% control efficiency for particulate matter represent Best Available Control Technology for the processes being controlled.

This Plan Approval amends Plan Approval Tr. No. 263826 by:

1. Updating the number of MCVD and PCVD lathes at the Facility,
2. Revising chlorine gas and hydrogen chloride emission limits,
3. Establishing hydrogen fluoride emission limits,
4. Requiring pressure transducers, rather than flow meters, to monitor the IWS solution recirculation rate,
5. Establishing single and total hazardous air pollutant emission limits,
6. Requiring stack testing to assure that the three scrubbers are capable of meeting approved emission limits,
7. Establishing the operating parameters that must be monitored for the various scrubbers, and
8. Identifying the procedures for responding to out-of-specification operating parameters for the various scrubbers.

The previously issued Plan Approval Tr. No. X263826 (issued December 3, 2014), responded to OFS Fitel's application for an administrative amendment to change the requirement to shut down the IWS because of insufficient flow and instead require that equipment discharging to the scrubber be shut down. The previous plan approval issued, Plan Approval Tr. No. X224158 (issued December 2, 2009), consolidated all equipment both previously approved and unapproved.

**This Plan Approval, Tr. No. X264785, supersedes in its entirety Plan Approval Tr. No. 263826.**

## **EMISSION UNIT IDENTIFICATION**

Each Emission Unit ("EU") identified in Table 1 is subject to and regulated by this Plan Approval:

<b>Table 1</b>			
<b>EU</b>	<b>Description</b>	<b>Design Capacity</b>	<b>Pollution Control Device (PCD)</b>
1	35 MCVD lathes	32 grams/minute/lathe raw material input	Ionizing wet scrubber

<b>Table 1</b>			
<b>EU</b>	<b>Description</b>	<b>Design Capacity</b>	<b>Pollution Control Device (PCD)</b>
2	2 PCVD lathes	1.45 grams/minute/lathe raw material input	
3	Germanium recycling process	n/a	Packed bed scrubber (SX-2 scrubber)
4	3 Glass etching machines (GEM)	n/a	Packed bed scrubber (GEM scrubber)
5	Miscellaneous VOC usage	n/a	none
6	2 Cleaver Brooks boilers	6.8 MMBtu/hr each	none
7	2 Cleaver Brooks boilers	15.77 MMBtu/hr each	none

**Table 1 Key:**

EU = Emission Unit  
MCVD = Modified Chemical Vapor Deposition  
MMBtu/hr = Million British Thermal Units per hour  
n/a = not applicable  
PCD = Pollution Control Device  
PCVD = Plasma Chemical Vapor Deposition  
VOC = Volatile organic compounds

## 2. APPLICABLE REQUIREMENTS

### A. OPERATIONAL, PRODUCTION and EMISSION LIMITS

The Permittee is subject to, and shall not exceed the Operational, Production, and Emission Limits as contained in Table 2:

<b>Table 2</b>			
<b>EU</b>	<b>Operational / Production Limit</b>	<b>Air Contaminant</b>	<b>Emission Limit (maximum)</b>
1 and 2	1. 100% capture	PM-10	<ul style="list-style-type: none"> <li>• 0.72 tpy,</li> <li>• 0.12 tpm, and</li> <li>• 0.16 pounds per hour or 97% control efficiency, whichever is less stringent</li> </ul>
		Chlorine gas	<ul style="list-style-type: none"> <li>• 0.013 tpy,</li> <li>• 0.003 tpm, and</li> <li>• 0.0028 pounds per hour or 99% control efficiency, whichever is less stringent</li> </ul>

<b>Table 2</b>			
<b>EU</b>	<b>Operational / Production Limit</b>	<b>Air Contaminant</b>	<b>Emission Limit (maximum)</b>
		Hydrogen fluoride	<ul style="list-style-type: none"> <li>• 0.012 tpy,</li> <li>• 0.002 tpm, and</li> <li>• 0.0027 pounds per hour or 99% control efficiency, whichever is less stringent</li> </ul>
3	2. 100% capture	Hydrogen chloride	<ul style="list-style-type: none"> <li>• 0.072 tpy,</li> <li>• 0.006 tpm, and</li> <li>• 0.3 pounds per hour or 99% control efficiency, whichever is less stringent</li> </ul>
4	3. 100% capture	Hydrogen fluoride	<ul style="list-style-type: none"> <li>• 0.0072 tpy,</li> <li>• 0.0012 tpm, and</li> <li>• 0.00165 pounds per hour or 99% control efficiency whichever is less stringent</li> </ul>
5	n/a	VOC	<ul style="list-style-type: none"> <li>• 2.50 tpy and</li> <li>• 0.41 tpm</li> </ul>
6 and 7	4. 45.14 MMBtu/hr combined 5. Propane or natural gas	Nitrogen oxides	• 10.0 tpy
		Carbon monoxide	• 4.0 tpy
Facility-wide	n/a	Total HAP	<ul style="list-style-type: none"> <li>• 0.104 tpy and</li> <li>• 0.02 tpm</li> </ul>
		Any single HAP <sup>1</sup>	<ul style="list-style-type: none"> <li>• 0.072 tpy and</li> <li>• 0.006 tpm</li> </ul>

**Table 2 Key:**

EU = Emission Unit

HAP = Hazardous Air Pollutant

MMBtu/hr = Million British Thermal Units per hour

n/a = not applicable

PM-10 = Particulate matter equal to or less than 10 microns in diameter. PM-10 includes the results of both filterable and condensable particulate matter emissions testing.

% = percent

tpm = tons per month

tpy = tons per 12-month period

VOC = Volatile organic compounds

**Table 2 Notes:**

1. The highest emitting single HAP is hydrogen chloride.

**B. COMPLIANCE DEMONSTRATION**

The Permittee is subject to, and shall comply with, the monitoring, testing, record keeping, and reporting requirements as contained in Tables 3, 4, and 5:

<b>Table 3</b>	
<b>EU</b>	<b>Monitoring and Testing Requirements</b>
1 and 2	1. The Permittee shall continuously monitor the pH of the scrubber solution and recirculation pump pressure in Stages 1, 2 and 3 of the IWS. The Permittee shall monitor the IWS secondary peak voltage for Stages 2 and 3.
	2. The Permittee shall check the calibration of the pH probes continuously monitoring the scrubber solution in Stages 1 and 3 of the IWS at least weekly and shall calibrate the pH probes, if necessary.
3 and 4	3. The Permittee shall monitor the pH of the scrubber solution and the scrubber solution recirculation rate of the SX-2 scrubber and the GEM scrubber while each scrubber is operating.
1 - 4	4. The Permittee shall install and continuously operate audible and/or visual alarms on the IWS, the SX-2 scrubber and the GEM scrubber while each scrubber is operating. The alarms shall activate when the pH or scrubber solution recirculation rate of any of the scrubbers or the secondary peak voltage of the ionizers of the IWS is monitored outside of normal levels.
	<p>4. The Permittee shall conduct emission testing of the IWS, the SX-2 scrubber and the GEM scrubber no later than May 25, 2016. The Permittee shall test to determine the compliance status with the capture limits for gases and particulate matter and the compliance status with the hourly emission limits for PM-10, chlorine gas, hydrogen chloride and hydrogen fluoride in Table 2 by comparing the results of emission testing with the capture limits and hourly emission limits in Table 2.</p> <p>During emission testing, the Permittee shall record the pH of the scrubber solution, the scrubber solution recirculation pump pressure and the secondary voltage for each stage of the IWS and the pH of the scrubber solution and the scrubber solution recirculation rate of the SX-2 scrubber and the GEM scrubber at the beginning and end of each run and shall include that data in the final emission test results report.</p>
Facility-wide	5. The Permittee shall install, calibrate, maintain and operate any monitoring equipment or emission monitoring systems used to document compliance with this Plan Approval according to manufacturers' instructions. The Permittee shall calibrate all pH monitoring systems at least quarterly.
	6. The Permittee shall monitor all operations to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	7. If and when MassDEP requires it, the Permittee shall conduct emission testing in accordance with USEPA Reference Test Methods and 310 CMR 7.13 Stack Testing.

**Table 3 Key:**

CMR = Code of Massachusetts Regulations

EU = Emission Unit

IWS = Ionizing wet scrubber

pH = potential of hydrogen

PM-10 = Particulate matter equal to or less than 10 microns in diameter. PM-10 includes the results of both filterable and condensable particulate matter emissions testing.

USEPA= United States Environmental Protection Agency

<b>Table 4</b>	
<b>EU</b>	<b>Record Keeping Requirements</b>
Facility-wide	1. The Permittee shall maintain adequate records on-site to demonstrate compliance status with all operational, production, and emission limits contained in Table 2 above. Records shall also include the actual emissions of air contaminants emitted for each calendar month and for each consecutive twelve-month period. These records shall be compiled no later than the 15 <sup>th</sup> day following each month. An electronic version of the MassDEP approved record keeping form, in Microsoft Excel format, can be downloaded at <a href="http://www.mass.gov/eea/agencies/massdep/air/approvals/limited-emissions-record-keeping-and-reporting.html#WorkbookforReportingOn-SiteRecordKeeping">http://www.mass.gov/eea/agencies/massdep/air/approvals/limited-emissions-record-keeping-and-reporting.html#WorkbookforReportingOn-SiteRecordKeeping</a> .
	2. The Permittee shall maintain records of monitoring and testing as required by Table 3 Monitoring and Testing Requirements.
	3. The Permittee shall maintain a copy of this Plan Approval, underlying Application and the most up-to-date SOMP for the EUs and PCDs approved herein on-site.
	4. The Permittee shall maintain a record of routine maintenance activities performed on the approved EUs, PCDs and monitoring equipment. The records shall include, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed.
	5. The Permittee shall maintain a record of all malfunctions affecting air contaminant emission rates on the approved EUs, PCDs and monitoring equipment, including scrubber malfunctions. At a minimum, the records shall include: date and time the malfunction occurred; description of the malfunction; corrective actions taken; the date and time corrective actions were initiated and completed; and the date and time emission rates and monitoring equipment returned to compliant operation.
	6. The Permittee shall maintain records to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	7. The Permittee shall maintain records required by this Plan Approval on-site for a minimum of five (5) years.
	8. The Permittee shall make records required by this Plan Approval available to MassDEP and USEPA personnel upon request.

**Table 4 Key:**

CMR = Code of Massachusetts Regulations  
EU = Emission Unit  
PCD = Pollution Control Device  
SOMP = Standard Operating and Maintenance Procedure  
USEPA = United States Environmental Protection Agency

<b>Table 5</b>	
<b>EU</b>	<b>Reporting Requirements</b>
Facility-wide	1. The Permittee shall submit to MassDEP all information required by this Plan Approval over the signature of a “Responsible Official” as defined in 310 CMR 7.00 and shall include the Certification statement as provided in 310 CMR 7.01(2)(c).
	2. The Permittee shall notify the Central Regional Office of MassDEP, BAW Permit Chief by telephone: 508-767-2845, email: roseanna.stanley@state.ma.us or fax : 508-792-7621, as soon as possible, but no later than three (3) business day after discovery of an exceedance(s) of Table 2 requirements. A written report shall be submitted to Permit Chief at MassDEP within ten (10) business days thereafter and shall include: identification of exceedance(s), duration of exceedance(s), reason for the exceedance(s), corrective actions taken, and action plan to prevent future exceedance(s).
	3. The Permittee shall report every three years to MassDEP, in accordance with 310 CMR 7.12, all information as required by the Source Registration/Emission Statement Form. The Permittee shall note therein any minor changes (under 310 CMR 7.02(2)(e), 7.03, 7.26, etc.), which did not require Plan Approval.
	4. The Permittee shall submit to MassDEP for approval a stack emission test pretest protocol, at least 30 days prior to emission testing, for emission testing as defined in Table 3 Monitoring and Testing Requirements.
	5. The Permittee shall submit to MassDEP a final emission test results report, within 45 days after emission testing, for emission testing as defined in Table 3 Monitoring and Testing Requirements.

**Table 5 Key:**

BAW = Bureau of Air and Waste  
CMR = Code of Massachusetts Regulations  
EU = Emission Unit



#### 4. **SPECIAL TERMS AND CONDITIONS**

A. The Permittee is subject to, and shall comply with, the Special Terms and Conditions as contained in Table 6 below:

Table 6																							
EU	Special Terms and Conditions																						
1 and 2	1. The Permittee shall operate the IWS as follows:																						
	<div><div>a. the pH of the scrubber solution in Stages 1 and 2 shall be maintained between 12.0 and 12.75 (normal levels),</div><div>b. the pH of the scrubber solution in Stage 3 shall be maintained between 12.2 and 12.75 (normal levels),</div><div>c. the scrubber solution recirculation rate for each stage of the scrubber shall be maintained at no less than 330 gallons per minute by maintaining the scrubber solution recirculation pump pressure between the pressure high and pressure low levels (normal levels) for each stage as follows:</div></div> <table><tr><td></td><td>Stage 1A</td><td>Stage 1B</td><td>Stage 2A</td><td>Stage 2B</td><td>Stage 3</td></tr><tr><td>Pressure High (psi)</td><td>30</td><td>40</td><td>40</td><td>40</td><td>50</td></tr><tr><td>Pressure Low (psi)</td><td>10</td><td>20</td><td>15</td><td>15</td><td>20</td></tr></table> <div><div>d. the ionizers in each stage of the scrubber shall be energized at all times except for periods when an ionizer is being washed. The ionizers will be washed one stage at a time. The ionizer not being washed will be kept energized while the other ionizer is being washed,</div><div>e. the secondary peak voltage of the ionizers shall be maintained between 13 and 30 kilovolts (normal levels).</div></div>							Stage 1A	Stage 1B	Stage 2A	Stage 2B	Stage 3	Pressure High (psi)	30	40	40	40	50	Pressure Low (psi)	10	20	15	15
	Stage 1A	Stage 1B	Stage 2A	Stage 2B	Stage 3																		
Pressure High (psi)	30	40	40	40	50																		
Pressure Low (psi)	10	20	15	15	20																		
	2. In the event the pH of the scrubber solution of the IWS, the scrubber solution recirculation pump pressure, or the secondary peak voltage of the ionizers of the IWS is monitored outside normal levels, an alarm shall sound and/or a visual alarm shall activate and the Permittee shall evaluate the reasons the pH, pump pressure, or secondary peak voltage is outside normal levels. Within 15 minutes of the sounding or activation of an alarm, the Permittee shall apply corrective actions and/or shut down any equipment discharging to the IWS according to the procedure in the SOMP. If corrective actions do not return the pH, pump pressure, or secondary peak voltage to normal levels, the Permittee shall shut down any equipment discharging to the IWS. The shut down shall be completed within 45 minutes of the sounding or activation of an alarm.																						
3	3. The Permittee shall maintain the pH of the scrubber solution of the SX-2 scrubber between 8.9 and 10.55 (normal levels).																						

<b>Table 6</b>	
<b>EU</b>	<b>Special Terms and Conditions</b>
	<p>4. The Permittee shall maintain the scrubber solution recirculation rate of the SX-2 scrubber above 100 gallons per minute (normal levels).</p> <p>5. In the event the pH of the scrubber solution or the scrubber solution recirculation rate of the SX-2 scrubber is monitored outside normal levels, an alarm shall sound and/or a visual alarm shall activate and the Permittee shall take corrective actions. If corrective actions do not return the scrubber to normal levels, the Permittee shall shut down any equipment discharging to the SX-2 scrubber. The shut down shall be completed within 45 minutes of the sounding or activation of an alarm.</p>
4	<p>6. The Permittee shall maintain the pH of the scrubber solution of the GEM scrubber between 7.5 and 11.0 (normal levels).</p> <p>7. The Permittee shall maintain the typical scrubber solution recirculation of the GEM scrubber at 80 gallons per minute (normal levels).</p> <p>8. In the event the pH of the scrubber solution or the scrubber solution recirculation rate of the GEM scrubber is monitored outside normal levels, an alarm shall sound and/or a visual alarm shall activate and the Permittee shall take corrective actions. If corrective actions do not return the scrubber to normal levels, the Permittee shall shut down any equipment discharging to the GEM scrubber. The shut down shall be completed within 45 minutes of the sounding or activation of an alarm.</p>
5	<p>9. The Permittee shall minimize VOC emissions by complying with 310 CMR 7.18(1)(c), which states in part: “store and dispose of volatile organic compounds in a manner which will minimize evaporation to the atmosphere. Proper storage shall be in a container with a tight fitting cover.”</p>
1 - 4	<p>10. The Permittee shall operate the IWS at all times EUs 1 and 2 are operating. The Permittee shall operate the SX-2 scrubber at all times EU 3 has the potential to emit air contaminants. The Permittee shall operate the GEM scrubber at all times EU 4 is operating.</p>
Facility-wide	<p>11. Regarding the construction, substantial reconstruction, or alteration of a facility or emission unit in accordance with 310 CMR 7.02(2)(b)33, the Permittee shall:</p> <ul style="list-style-type: none"> <li>a. notify MassDEP within 30 days of such action,</li> <li>b. ensure the operation of the additional equipment does not cause an exceedance of any of the operation, production or emission limits in Table 2, above,</li> <li>c. comply with all other applicable requirements of 310 CMR 7.02(2)(b)33.</li> </ul> <p>12. This Plan Approval, Tr. No. X264785, supersedes Plan Approval Tr. No. X263826, issued to the Permittee on December 3, 2014, in its entirety, except that all application materials submitted by the Permittee in support of Plan Approvals Tr. Nos. X264785, X263826 and X224158 are appended to this Plan Approval.</p>

**Table 6 Key:**

CMR = Code of Massachusetts Regulations  
EU = Emission Unit  
IWS = Ionizing wet scrubber  
pH = potential of hydrogen  
psi = pounds per square inch  
SOMP = Standard Operating and Maintenance Procedure  
VOC = Volatile organic compounds

- B. The Permittee shall install and use an exhaust stack, as required in Table 7, on each of the Emission Units that is consistent with good air pollution control engineering practice and that discharges so as to not cause or contribute to a condition of air pollution. Each exhaust stack shall be configured to discharge the gases vertically and shall not be equipped with any part or device that restricts the vertical exhaust flow of the emitted gases, including, but not limited to, rain protection devices known as “shanty caps” and “egg beaters.”
- C. The Permittee shall install and utilize exhaust stacks with the following parameters, as contained in Table 7, for the Emission Units that are regulated by this Plan Approval:

<b>Table 7</b>				
<b>EU</b>	<b>Stack Height Above Ground (feet)</b>	<b>Stack Inside Exit Dimensions (feet)</b>	<b>Stack Gas Exit Velocity Range (feet per second)</b>	<b>Stack Gas Exit Temperature Range (°F)</b>
1 - 3	45	5	50.9-62	110-130
4	65	5	51-102	70-90

**Table 7 Key:**

°F = Degrees Fahrenheit  
EU = Emission Unit

## **5. GENERAL CONDITIONS**

The Permittee is subject to, and shall comply with, the following general conditions:

- A. Pursuant to 310 CMR 7.01, 7.02, 7.09 and 7.10, should any nuisance condition(s), including but not limited to smoke, dust, odor or noise, occur as the result of the operation of the Facility, then the Permittee shall immediately take appropriate steps including shutdown, if necessary, to abate said nuisance condition(s).
- B. If asbestos remediation/removal will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that all removal/remediation of asbestos shall be done in accordance with 310 CMR 7.15 in its entirety and 310 CMR 4.00.

- C. If construction or demolition of an industrial, commercial or institutional building will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that said construction or demolition shall be done in accordance with 310 CMR 7.09(2) and 310 CMR 4.00.
- D. Pursuant to 310 CMR 7.01(2)(b) and 7.02(7)(b), the Permittee shall allow MassDEP and / or USEPA personnel access to the Facility, buildings, and all pertinent records for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.
- E. This Plan Approval does not negate the responsibility of the Permittee to comply with any other applicable Federal, State, or local regulations now or in the future.
- F. Should there be any differences between the Application and this Plan Approval, the Plan Approval shall govern.
- G. Pursuant to 310 CMR 7.02(3)(k), MassDEP may revoke this Plan Approval if the construction work is not commenced within two years from the date of issuance of this Plan Approval, or if the construction work is suspended for one year or more.
- H. This Plan Approval may be suspended, modified, or revoked by MassDEP if MassDEP determines that any condition or part of this Plan Approval is being violated.
- I. This Plan Approval may be modified or amended when in the opinion of MassDEP such is necessary or appropriate to clarify the Plan Approval conditions or after consideration of a written request by the Permittee to amend the Plan Approval conditions.
- J. Pursuant to 310 CMR 7.01(3) and 7.02(3)(f), the Permittee shall comply with all conditions contained in this Plan Approval. Should there be any differences between provisions contained in the General Conditions and provisions contained elsewhere in the Plan Approval, the latter shall govern.

## **6. MASSACHUSETTS ENVIRONMENTAL POLICY ACT**

MassDEP has determined that the filing of an Environmental Notification Form (ENF) with the Secretary of Energy & Environmental Affairs, for air quality control purposes, was not required prior to this action by MassDEP. Notwithstanding this determination, the Massachusetts Environmental Policy Act (MEPA) and 301 CMR 11.00, Section 11.04, provide certain "Fail-Safe Provisions," which allow the Secretary to require the filing of an ENF and/or an Environmental Impact Report (EIR) at a later time.

## **7. APPEAL PROCESS**

This Plan Approval is an action of MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the date of issuance of this Plan Approval.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts, which are the grounds for the request, and the relief sought. Additionally, the request must state why the Plan Approval is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211

This request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

MassDEP may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Enclosed is a stamped approved copy of the application submittal.

Should you have any questions concerning this Plan Approval, please contact Stephen Majkut by telephone at 508-767-2773, e-mail at [stephen.majkut@state.ma.us](mailto:stephen.majkut@state.ma.us) or in writing at the letterhead address.

This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.

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Roseanna E. Stanley  
Permit Chief  
Bureau of Air and Waste

Enclosure

ecc: Sturbridge Board of Health  
Sturbridge Fire Department  
Yi Tian, MassDEP/Boston  
Kim McCoy, MassDEP/CERO